

August 16, 1976

AUG 17 1976

TO: All Commissioners and Alternates  
FROM: Charles R. Roberts, Executive Director

UNIVERSITY OF CALIFORNIA

SUBJECT: MEMORANDA OF UNDERSTANDING WITH OTHER AGENCIES TO COMPLY WITH  
FEDERAL COASTAL ZONE MANAGEMENT ACT OF 1972  
(For Commission consideration on August 19, 1976)

Summary

With this memorandum, the staff is transmitting for Commission consideration and possible tentative approval, draft memoranda of understanding (MOU's) with the following agencies:

1. The State Energy Resources Conservation and Development Commission;
2. The State Lands Commission;
3. The State Water Resources Control Board and the Regional Water Quality Control Board;
4. The California Department of Transportation; and
5. The Bay Area Air Pollution Control District.

The staff recommends the Commission tentatively approve the drafts so that they can be submitted to the agencies involved.

1. Need for MOU's

In order to comply fully with the requirements of the Federal Coastal Zone Management Act of 1972, the Office of Coastal Zone Management has recommended that BCDC, through memoranda of understanding, document its relationship with the above agencies. The accompanying drafts attempt to do this. These drafts have not yet been reviewed by the other agencies involved and are being presented to the Commission at this time for tentative approval only. If tentatively approved by the Commission, the drafts will be sent to the other agencies for review, and probably some revision. Assuming no changes, or only changes that appear to be acceptable to BCDC, the drafts would be approved and executed by the other agencies involved and returned to the Commission for final approval and execution.

2. Contents of the MOU's

a. Energy Commission. At present, BCDC has no formal working relationship with the State Energy Commission. This is primarily because the Energy Commission has been in existence only since 1974 and because most of the proposed power plant sites in the Bay Area are exempt from the Energy Commission's exclusive siting authority. This means that BCDC permits are still required for any work on exempt sites within BCDC jurisdiction.



Nevertheless, it would be desirable to enter into a MOU with the Energy Commission for a variety of reasons. Even for power plants on exempt sites, the staff believes the Commission should have the views of the Energy Commission prior to acting on a permit application. Furthermore, on sites over which the Energy Commission has exclusive siting authority, this authority supersedes BCDC permit authority, as well as the regulatory authority of all other units of State and local government. Consequently, the MOU with the Energy Commission is intended to establish a relationship with the Energy Commission for regulatory purposes, which recognizes the unique character of the Bay and its place as part of the California coastal zone.

As much as possible, therefore, the provisions of this draft MOU have been modeled on the provisions of the proposed coastal legislation, as the staff believes that the Bay should be treated no differently from the rest of the California coastline. The key provisions of the MOU are these:

\*When BCDC considers a permit application for an energy facility, and in particular for power plants and related facilities exempt from the jurisdiction of the Energy Commission, BCDC will request the comments of the Energy Commission and, to the maximum feasible extent, incorporate any recommendations of the Energy Commission into the BCDC permit, or the resolution denying the permit.

\*When the Energy Commission exercises its exclusive siting authority, the Energy Commission will request BCDC to comment on the consistency with the Bay Plan and McAteer-Petris Act of any sites proposed within BCDC jurisdiction and include the BCDC comments in the legally-required report prepared by the Energy Commission prior to finding any site to be acceptable.

\*If the Energy Commission finds a site within BCDC jurisdiction to be acceptable, the Energy Commission, prior to certifying construction of a power plant on the site, will determine whether the site has greater relative merit than available alternative inland sites.

\*In the event the Energy Commission proposes to certify construction of a power plant on a site within BCDC permit jurisdiction, it will include, to the maximum feasible extent, specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated to make it consistent with the McAteer-Petris Act and the Bay Plan.

b. State Lands Commission. The proposed MOU with the State Lands Commission is intended to describe the existing working relationship between BCDC and the Lands Commission (and the State Lands Division, its staff arm). Its key provisions are these:

\*For purposes of the Federal Act, the Lands Commission recognizes the BCDC management program as the State management program for the BCDC segment of the California coastal zone and agrees to comply to the maximum extent feasible.



\*BCDC will request the comments of the Lands Commission on all major permits and on the administrative permit list, and not issue a permit until comments are received (except where the 90-day time limit would require the Commission to act).

\*The Lands Commission will not grant or execute leases or permits for use of State Lands within BCDC jurisdiction until a BCDC permit has been obtained. Where questions of the extent of State ownership exist, BCDC will not issue a permit until the ownership question has been resolved. (This is an existing requirement of both the McAteer-Petris Act and the Commission's regulations.)

c. State Water Resources Control Board and Regional Water Quality Control Board. For the most part, the proposed MOU with the State and Regional Boards is intended to document the existing working relationship with these agencies. The key provisions of the draft are these:

\*For purposes of the Federal Coastal Act, both the State and Regional Boards recognize the BCDC management program as the State management program for the BCDC segment of the California coastal zone.

\*To the maximum feasible extent, both Boards will comply with, and exercise their regulatory authority to assist in carrying out, the BCDC management program.

\*As required by the Federal Coastal Act, BCDC will incorporate the requirements established by the State and Regional Boards pursuant to the Federal Water Pollution Control Act. (These have already been incorporated by reference in the management program approved by the Commission and submitted to the Department of Commerce.)

\*BCDC will, to the maximum feasible extent, exercise its powers under the McAteer-Petris Act to further the objectives of the State and Regional Boards, including incorporating their recommendations in permits, or in resolutions denying permits, and making compliance with the requirements of the Regional Board a standard condition of BCDC permits.

d. California Department of Transportation (CalTrans). Here, also, the intent of the MOU is to document an existing, on-going working relationship. The key provisions of this MOU are these:

\*For purposes of the Federal Coastal Act, CalTrans recognizes the BCDC management program as the State management program for the BCDC segment of the coastal zone.

\*CalTrans agrees to comply with the BCDC management program to the maximum feasible extent.

\*CalTrans will consult with BCDC on all CalTrans projects either in or significantly affecting the BCDC segment of the coastal zone.



\*CalTrans will continue to play a primary role in BCDC planning by reviewing BCDC reports and other material relating to Bay planning and dealing with transportation matters.

e. Bay Area Air Pollution Control District. Until recently, BCDC and the District had no formal working relationship. It now seems desirable to do so, however, for three reasons: (1) the Coastal Zone Management Act requires BCDC to incorporate into the management program the requirements established by the District pursuant to the Clean Air Act; (2) BCDC preparation of the environmental impact report on the PG&E pipeline, where the major issue turned out to be air quality, indicates that BCDC may become involved again in issues relating to air quality and require the assistance of the District; and (3) the District is involved in planning for air quality maintenance which could have an impact on the BCDC management program.

Therefore, this MOU proposes to establish a formal relationship between BCDC and the District. Its key provisions are these:

\*For purposes of the Federal Coastal Act, the District recognizes the BCDC management program for the Bay as the State management program for the BCDC segment of the coastal zone.

\*The District agrees to comply with, and to exercise its regulatory authority to aid in carrying out, the BCDC management program to the maximum feasible extent.

\*As required by the Federal Coastal Act, BCDC will incorporate into the management program the requirements established by the District pursuant to the federal Clean Air Act. (These are already incorporated by reference into the approved program.)

\*BCDC will, to the maximum feasible extent, exercise its authority to further the air quality objectives of the District including obtaining the comments, and where appropriate the assistance, of the District in matters relating to air quality.

\*The District will advise BCDC of all permit applications, variance applications, and proposed changes in regulations; allow BCDC to comment; and give full consideration to the BCDC comments.

#### Staff Recommendation

The staff recommends the Commission tentatively approve the draft memoranda of understanding and direct the staff to submit them to the other agencies involved for review, revision where appropriate, approval, and execution. Upon execution by the other agencies involved, the MOU's would be returned to the Commission for final consideration, approval and execution.



MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
AND THE  
STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

WHEREAS, under the provisions of the McAteer-Petris Act, the San Francisco Bay Conservation and Development Commission (hereinafter "BCDC") is charged with the management of San Francisco Bay and its adjacent shorelands, and in particular with preparation, implementation, enforcement, and periodic review of the San Francisco Bay Plan; and

WHEREAS, BCDC has submitted its management program for San Francisco Bay to the Secretary of Commerce for approval as a segment of the California coastal zone management program under Section 306 of the Federal Coastal Zone Management Act of 1972; and

WHEREAS, if the BCDC management program for San Francisco Bay is approved by the Secretary of Commerce, BCDC will be the State agency responsible under the Federal Act for management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction); and

WHEREAS, under the Warren-Alquist State Energy Resources Conservation and Development Act (hereinafter "the Warren-Alquist Act"), the State Energy Resources Conservation and Development Commission (hereinafter "the Energy Commission") is charged with forecasting the energy needs of the State, planning to meet those needs, encouraging the conservation of energy resources, and certifying appropriate sites and related facilities as defined in the Warren-Alquist Act located in whole or in part within the BCDC segment of the coastal



zone, to the extent such sites and related facilities are not exempt from the siting provisions of the Warren-Alquist Act; and

WHEREAS, BCDC permits will be required for any filling, dredging, or substantial change in use relating to development of any site and related facility located in whole or in part within BCDC's segment of the coastal zone, to the extent such sites and related facilities are exempt from the site certification provisions of the Warren-Alquist Act; and

WHEREAS, effective coastal zone management requires that BCDC and the Energy Commission cooperate in establishing a working relationship because some of the most critical issues in the BCDC segment of the California coastal zone are those relating to the future energy needs of California and the United States; and

THEREFORE, the Energy Commission and BCDC agree as follows:

1. Prior to acting on a permit application for any energy facility, and in particular prior to acting on a permit application relating to a site and related facilities that, but for the provisions of Sections 25501, 25501.3, and 25501.5 of the Warren-Alquist Act, would be subject to the exclusive certification power of the Energy Commission, BCDC will submit the permit application to the Energy Commission and request the views of the Energy Commission thereon. The Energy Commission will analyze the application and within forty-five (45) days provide BCDC with a written report on the application. This report will include findings on the consistency of the project proposed in the application with the provisions of the Warren-Alquist Act and with the sound conservation and development of State and national energy resources. The report shall also include such further recommendations as the Energy Commission may deem appropriate. To the maximum extent feasible, BCDC will incorporate the recommendations of the Energy Commission in any permit



issued by BCDC pursuant to such an application, or in any resolution denying such a permit.

2. Whenever the Energy Commission exercises its siting authority under the Warren-Alquist Act after receiving a notice of intention to file an application for certification of a site and related facility, and the notice includes a site and related facility located in whole or in part within the BCDC segment of the coastal zone, the Energy Commission will forward a copy of the notice to BCDC. BCDC will analyze each such notice of intent and will, prior to completion of the preliminary report required by Section 25510 of the Warren-Alquist Act, forward to the Energy Commission a written report on the suitability of the proposed site and related facility to be located in whole or in part in the BCDC segment of the coastal zone. The BCDC report will contain a consideration of, and findings regarding, the degree to which the proposed site and related facility are consistent with the McAteer-Petris Act and the San Francisco Bay Plan, including any recommendations for modifications to make the site and related facility consistent with the Act and the Plan, or to minimize adverse impacts on San Francisco Bay.

3. In its final report on the notice of intention to file an application required by Section 25514 of the Warren-Alquist Act, the Energy Commission will include, in addition to the other information required, any findings and comments submitted by BCDC pursuant to paragraph 2 of this Memorandum of Understanding.

4. If a site and related facility proposed to be located in whole or in part in the BCDC segment of the coastal zone is found to be acceptable by the Energy Commission pursuant to Section 25516 of the Warren-Alquist Act, prior to certifying any such site and related facility and after public hearing, the Energy Commission will determine whether the site and related facility have



greater relative merit than available alternative sites and related facilities for an applicant's service area approved by the Energy Commission pursuant to Section 25516 of the Warren-Alquist Act. The specific finding of greater relative merit shall be made pursuant to the provisions of Section 25502 to 25516 of the Warren-Alquist Act, inclusive, and shall, in addition to the matters set forth in Section 25524, specifically include the Energy Commission's findings that:

(a) The site and related facility located in whole or in part in the BCDC segment of the coastal zone minimizes conflict with existing or planned water-oriented uses at or near the site.

(b) The alternative inland sites and related facilities are more environmentally damaging.

(c) The site and related facilities located in the BCDC segment of the coastal zone will comply with the provisions of Section 25523 to mitigate adverse environmental impacts of the site and related facilities to the maximum extent feasible.

5. In the event the Energy Commission proposes to certify a site and related facility located in whole or in part within BCDC's permit jurisdiction, in its written decision required by Section 25523, the Energy Commission will include, to the maximum feasible extent, specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated in order to make it consistent to the maximum feasible extent with the McAteer-Petris Act and the San Francisco Bay Plan.

6. BCDC may, at its discretion, participate fully in other proceedings conducted by the Energy Commission pursuant to its siting authority. In the event the BCDC participates in any public hearings held by the Energy Commission, the Energy Commission agrees that BCDC will be afforded full opportunity to present evidence and examine and cross-examine witnesses.



7. The Energy Commission agrees to forward a copy of all reports it distributes pursuant to Sections 25302 and 25306 to BCDC, and BCDC shall, with respect to any report that relates to the BCDC segment of the coastal zone, comment on such reports and will in its comments include a discussion of the desirability of particular areas within BCDC's jurisdiction as designated in such reports for potential power plant development. BCDC may propose alternate areas for power plant development within BCDC's permit jurisdiction and will provide detailed findings to support the suggested alternatives.

8. This Memorandum of Understanding shall be in effect for a period of three (3) years from the date of execution by both BCDC and the Energy Commission and may be renewed for additional periods of three (3) years by the mutual agreement of both parties.

Executed on \_\_\_\_\_, 1976.

State Energy Resources Conservation  
and Development Commission


By: \_\_\_\_\_  
Loyd Forrest  
Executive Director

Executed on \_\_\_\_\_, 1976.

San Francisco Bay Conservation and  
Development Commission

By: \_\_\_\_\_  
Charles R. Roberts  
Executive Director





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MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
AND THE  
STATE LANDS COMMISSION

WHEREAS, under the provisions of the McAteer-Petris Act, the San Francisco Bay Conservation and Development Commission (hereinafter "BCDC") is charged with the management of San Francisco Bay and its adjacent shorelands, and in particular with preparation, implementation, enforcement, and periodic review of the San Francisco Bay Plan; and

WHEREAS, BCDC has submitted its management program for San Francisco Bay to the Secretary of Commerce for approval as a segment of the California coastal zone management program under Section 306 of the Federal Coastal Zone Management Act of 1972; and

WHEREAS, if the BCDC management program for San Francisco Bay is approved by the Secretary of Commerce, BCDC will be the State agency responsible under the Federal Act for the management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction); and

WHEREAS, the BCDC segment of the California coastal zone extends to certain tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and streams that may also be within the jurisdiction of the State Lands Commission under Section 6216 of the Public Resources Code, which is more commonly known as the State Lands Act of 1938 (Public Resources Code, Sections 6100 et seq.); and

WHEREAS, by enactment of the State Lands Act of 1938, the State Legislature has vested in the State Lands Commission the power to manage and control all



ungranted tidelands owned by the State and all tidelands granted by the State in which tidelands the State has retained or acquired any interest; and

WHEREAS, by enactment of the McAteer-Petris Act, the State Legislature has expressed its intent that BCDC shall protect the public interest in the beneficial use of San Francisco Bay for a variety of purposes in recognition of the public interest in the Bay as the most valuable single natural resource of an entire region, and by enactment of the State Lands Act of 1938, has further expressed its intent that the lands owned by the State, including tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and streams, shall be managed and controlled by the State Lands Commission for the benefit of the public; and

WHEREAS, the State Lands Commission has played, and will continue to play, a primary role in the BCDC management program for San Francisco Bay;

THEREFORE, BCDC and the State Lands Commission agree as follows:

1. The State Lands Commission recognizes and acknowledges the BCDC management program for San Francisco Bay as the State management program for the BCDC segment of the California coastal zone (the area of existing BCDC permit jurisdiction). In carrying out its responsibilities under State law, the State Lands Commission will comply with the BCDC management program to the maximum extent feasible.

2. BCDC will forward to the State Lands Commission for review and comment complete copies of all applications for major permits requiring public hearings under BCDC Regulations. BCDC will also forward to the State Lands Commission for review and comment each list of applications for administrative permits compiled pursuant to Section 10542 of the BCDC Regulations, including all material submitted by the applicants for administrative permits relating to title to the property involved. BCDC will not grant or deny any permit application until comments thereon have been received from the State Lands



Commission unless BCDC's failure to do so would result in the permit automatically being granted under the provisions of Section 66632(f) of the Government Code.

The State Lands Commission will make every effort to submit its comments to BCDC in a timely fashion--21 days from date of mailing in the case of a major permit application and 10 days from date of mailing of the administrative permit list.

3. Except where questions of the extent of State ownership exist, the State Lands Commission will not grant or execute any lease, permit, or other entitlement to use of any land within the jurisdiction of both the State Lands Commission and BCDC until a BCDC permit authorizing such use has been obtained, if a BCDC permit is required.

4. In those cases where the State Lands Commission advises BCDC that the State may have an interest in property such that the permit applicant may not have such valid title to the property in question that he may fill it in the manner and for the uses to be approved, BCDC will request the State Lands Commission to determine the extent of the State's interest in the property, and under the authority of Government Code Section 66605(g), will not grant a permit for such filling until the title question has been resolved. When requested to do so by BCDC, the State Lands Commission will act diligently to resolve outstanding questions of the extent of State ownership in any property involved in a BCDC permit application.

5. BCDC and the State Lands Commission will continue to work closely together and cooperate in all other matters of joint interest within the BCDC segment of the California coastal zone.

STATE LANDS COMMISSION

Executed on \_\_\_\_\_, 1976.

By: \_\_\_\_\_

WILLIAM F. NORTHROP  
Executive Officer

SAN FRANCISCO BAY CONSERVATION  
AND DEVELOPMENT COMMISSION

Executed on \_\_\_\_\_, 1976.

By: \_\_\_\_\_

CHARLES R. ROBERTS  
Executive Director





MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
AND THE  
STATE WATER RESOURCES CONTROL BOARD  
AND THE  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN FRANCISCO BAY REGION

WHEREAS, under the provisions of the McAteer-Petris Act, the San Francisco Bay Conservation and Development Commission (hereinafter "BCDC") is charged with the management of San Francisco Bay and its adjacent shorelands, and in particular with preparation, implementation, enforcement, and periodic review of the San Francisco Bay Plan; and

WHEREAS, BCDC has submitted its management program for San Francisco Bay to the Secretary of Commerce for approval under Section 306 of the Federal Coastal Zone Management Act of 1972 as a segment of the California coastal zone management program; and

WHEREAS, if the BCDC management program for San Francisco Bay is approved by the Secretary of Commerce, BCDC will be the State agency responsible under the Federal Act for management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction); and

WHEREAS, under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board (hereinafter "the State Board") and the nine regional water quality control boards are responsible for preserving and enhancing the quality of California waters (including the waters within the BCDC segment of the coastal zone) and assuring their conservation and most efficient use; and



WHEREAS, under the Porter-Cologne Water Quality Control Act, the California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter "the Regional Board") has jurisdiction over the State waters within the BCDC segment of the California coastal zone; and

WHEREAS, the broad objective of the State and Regional Boards' water quality control programs is to achieve and maintain the highest possible water quality in State waters consistent with their use; and

WHEREAS, the San Francisco Bay Plan Policies on Water Pollution (page 10) state that water quality in all parts of the Bay should be sufficiently high to permit water contact sports and to provide a suitable habitat for all indigenous and desirable forms of aquatic life, and assume this will be achieved, in time, as the result of measures taken in response to requirements and enforcement proceedings of the State and Regional Boards; and

WHEREAS, the Bay Plan Policies on Fresh Water Inflow (page 12, as amended January 4, 1973) recognize that the standards set by the State Board in Decision 1379 (the Delta Decision) will help maintain adequate fresh water inflow into the Bay, and these policies further recommend that the impact of diversions of fresh water inflow into the Bay should be monitored by a State regulatory agency, such as the State Board; and

WHEREAS, the Coastal Zone Management Act mandates that the requirements established by the State and Regional Boards pursuant to the Federal Water Pollution Control Act, as amended, be incorporated into the BCDC management program;

THEREFORE, BCDC, the State Board and the Regional Board mutually agree as follows:

1. For purposes of the Federal Coastal Zone Management Act of 1972, the State Board and the Regional Board recognize the BCDC management program as the

State management program for the BCDC segment of the California coastal zone, which comprises San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction), and will comply with, and exercise their regulatory authority to assist in carrying out, the BCDC management program to the maximum feasible extent.

2. BCDC recognizes that the State Board and the Regional Board are the State agencies with primary responsibility for the coordination and control of water quality in San Francisco Bay. BCDC further recognizes that the State Board has primary responsibility for the administration of water rights pursuant to applicable law.

3. As required by Section 307(f) of the Coastal Zone Management Act, BCDC will incorporate into its management program for San Francisco Bay the requirements established by the State and Regional Boards pursuant to the Federal Water Pollution Control Act, as amended.

4. In carrying out its management program for the Bay, BCDC will, to the maximum feasible extent, exercise its powers and responsibilities under the McAteer-Petris Act to further the water quality objectives of the State and Regional Boards, including observing the following special procedures:

(a) BCDC will forward to the Regional Board for review and comment copies of all applications requiring a public hearing before BCDC. Except in unusual circumstances, the Regional Board will comment on such applications within 21 days, and copies of all such comments will be distributed to BCDC members prior to a vote on the application. To the maximum extent feasible, BCDC will incorporate recommendations of the Regional Board into any permit issued by BCDC, or into any resolution denying such a permit.

(b) As a standard condition in all BCDC permits, BCDC will require compliance with the requirements of the Regional Board.



5. BCDC may participate in all proceedings of the State and Regional Board relating to water quality in San Francisco Bay or in the Delta. In the event BCDC participates in any such proceedings, it shall be afforded full opportunity to present evidence and examine and cross-examine witnesses.

Executed on \_\_\_\_\_, 1976.

State Water Resources Control Board

By: \_\_\_\_\_  
William Dendy  
Executive Officer

Executed on \_\_\_\_\_, 1976.

California Regional Water Quality  
Control Board, San Francisco Bay Region

By: \_\_\_\_\_  
Frederick Dierker  
Executive Officer

Executed on \_\_\_\_\_, 1976.

San Francisco Bay Conservation and  
Development Commission

By: \_\_\_\_\_  
Charles R. Roberts  
Executive Director

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
AND THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION

WHEREAS, under the provisions of the McAteer-Petris Act, the San Francisco Bay Conservation and Development Commission (hereinafter "BCDC") is charged with the management of San Francisco Bay and its adjacent shorelands, and in particular with preparation, implementation, enforcement and periodic review of the San Francisco Bay Plan; and

WHEREAS, BCDC has submitted its management program for San Francisco Bay to the Secretary of Commerce for approval under Section 306 of the Federal Coastal Zone Management Act of 1972 as a segment of the California coastal zone management program; and

WHEREAS, if the BCDC management program for San Francisco Bay is approved by the Secretary of Commerce, BCDC will be the State agency responsible under the Federal Act for management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands (the areas of existing BCDC permit jurisdiction); and

WHEREAS, the California Department of Transportation (hereinafter "CalTrans") is responsible for State-wide planning, funding, construction, operation and maintenance of various transportation facilities, including streets and highways, bridges, mass transit, and airports; and

WHEREAS, San Francisco Bay is an important transportation route and airports and bridges are water-oriented uses under the McAteer-Petris Act (the BCDC law); and

WHEREAS, transportation planning and the location of land transportation routes have a significant impact on the BCDC segment of the coastal zone;

THEREFORE, BCDC and CalTrans agree as follows:



1. For purposes of the Coastal Zone Management Act of 1972, CalTrans recognizes the BCDC management program for San Francisco Bay as the State management program for the BCDC segment of the California coastal zone, and in carrying out its responsibilities under State law, CalTrans will comply with the BCDC management program to the maximum feasible extent.

2. CalTrans will consult with BCDC on all CalTrans projects either in or significantly affecting the BCDC segment of the coastal zone, including but not limited to the following:

(a) Construction, reconstruction, and maintenance of highways, bridges and other transportation routes or facilities either within BCDC permit jurisdiction or significantly affecting areas within BCDC's permit jurisdiction.

(b) Preparation and implementation of the California Transportation Plan insofar as it affects the BCDC segment of the coastal zone.

(c) Preparation and implementation of the Regional Transportation Plan by the Metropolitan Transportation Commission.

3. CalTrans will continue to play a primary role in BCDC planning for the Bay and in the implementation of the BCDC management program by reviewing and commenting on all BCDC reports or other material related to Bay planning or management, and dealing with, or related to, transportation matters, prior to such material being presented to the BCDC members for consideration.

Executed on \_\_\_\_\_, 1976.

California Department of Transportation

By: \_\_\_\_\_  
Adriana Gianturco  
Director of Transportation

Executed on \_\_\_\_\_, 1976.

San Francisco Bay Conservation and  
Development Commission

By: \_\_\_\_\_  
Charles R. Roberts  
Executive Director

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION  
AND THE  
BAY AREA AIR POLLUTION CONTROL DISTRICT

WHEREAS, under the provisions of the McAteer-Petris Act, the San Francisco Bay Conservation and Development Commission (hereinafter "BCDC") is charged with the management of San Francisco Bay and its adjacent shorelands, and particular with preparation, implementation, enforcement, and periodic review of the San Francisco Bay Plan; and

WHEREAS, BCDC has submitted its management program for San Francisco Bay to the Secretary of Commerce for approval under Section 306 of the Federal Coastal Zone Management Act of 1972 as a segment of the California coastal zone management program; and

WHEREAS, if the BCDC management program for San Francisco Bay is approved by the Secretary of Commerce, BCDC will be the State agency responsible under the Federal Act for management of that segment of the California coastal zone comprising San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction); and

WHEREAS, the San Francisco Bay Plan Findings and Policies on Smog and Weather (page 10) point out the importance of the Bay in determining the climate of the Bay Area and in reducing smog; and

WHEREAS, the Bay Area Air Pollution Control District (hereinafter "the District") is charged with the regulation of emissions of air pollutants caused by stationary sources, in order to achieve and maintain certain air quality standards for the nine counties in the Bay Area; and

WHEREAS, the District is empowered as a regulatory agency to issue or deny permits authorizing construction and operation of facilities related to the



creation or emission of certain pollutants affecting air quality, in accordance with the regulations of the District; and

WHEREAS, BCDC and the District undertake, from time to time, separate review of permit applications for projects located within the geographic jurisdiction of both BCDC and the District; and

WHEREAS, the Coastal Zone Management Act mandates that the requirements established by the District pursuant to the Federal Clean Air Act, as amended, be incorporated into the BCDC management program; and

WHEREAS, air quality in the BCDC segment of the California coastal zone is of mutual concern to both BCDC and the District;

THEREFORE, BCDC and the District agree as follows:

1. For purposes of the Federal Coastal Zone Management Act of 1972, the District recognizes the BCDC management program as the State management program for the BCDC segment of the California coastal zone, which comprises San Francisco Bay and its adjacent shorelands (the area of existing BCDC permit jurisdiction), and will comply with, and will exercise its regulatory authority to aid in carrying out, the BCDC management program to the maximum feasible extent.
2. As required by Section 307(f) of the Coastal Zone Management Act, BCDC will incorporate into its management program for San Francisco Bay the requirements established by the District pursuant to the Federal Clean Air Act of 1972, as amended.
3. In carrying out its management program for the Bay, BCDC will, to the maximum feasible extent, exercise its powers and responsibilities under the McAteer-Petris Act to further the air quality objectives of the District, including requesting the comments of the District on applications for BCDC permits, or on environmental impact reports for which BCDC is responsible, relating to projects or activities that may have a substantial impact on air quality in the BCDC segment of the California coastal zone. The District will provide BCDC with its comments in a timely fashion, and where appropriate, will work jointly with BCDC on the preparation



of any document, or element of a document, relating to the projected air quality impact of any project or program pending before BCDC.

4. The District will advise BCDC of the filing of applications for permits or variances from the District prior to taking final action on such permits or variances. BCDC will provide the District with comments on the consistency of the proposed permit or variance with the BCDC management program for the Bay. In acting on such permits or variances, the District will give full consideration to all comments received from BCDC.

5. The District will advise BCDC of any proposed changes in District regulations and provide BCDC with an opportunity to comment on such changes in relation to the BCDC management program. In acting on such changes, the District will give full consideration to all comments received from BCDC.

6. BCDC and the District will coordinate and cooperate on any further planning and programming undertaken or participated in by the District to maintain Bay Area air quality and to achieve the goals of the Federal Clean Air Act, as amended, to ensure that such planning and programming and the BCDC management program are consistent.

Executed on \_\_\_\_\_, 1976.

Bay Area Air Pollution Control District

By: \_\_\_\_\_  
J. C. Callahan  
Air Pollution Control Officer

Executed on \_\_\_\_\_, 1976.

San Francisco Bay Conservation and  
Development Commission

By: \_\_\_\_\_  
Charles R. Roberts  
Executive Director



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